The Square Deal In The Pacific

A presentation of the arguments in favor of a modification of the United States Immigration Act of 1924, the elimination of the discriminatory exclusion clause, Section 13-c, and the extension of the quota system to China, Japan, and other Asiatic countries.

An Address

delivered before the

COMMONWEALTH CLUB OF SAN FRANCISCO

by

SAMUEL J. HUME
Executive Secretary

of the

CALIFORNIA COUNCIL ON ORIENTAL RELATIONS

2900 Buena Vista Way
Berkeley, California

"An international mind is one with the capacity to understand another nation's point of view."

—*League of Nations.*

"Justice is the fixed and constant purpose to give to every man his due."

—The *Institutes* of Justinian.

Members of the Commonwealth Club of San Francisco.

GENTLEMEN: During the past year your Section on Immigration has been considering the question of the desirability of an extension by the United States to Japan of the quota system which, adopted in 1924 for the purpose of restricting immigration from the countries of Europe, has been in successful operation for the last eight years.

In considering this question, it is essential at the outset that we have a clear understanding of what precisely are the points at issue. We should confine our discussion to those pertinent facts applicable to present conditions—conditions as they exist in actuality and not in theory; and it is to be noted that in our rapidly changing world, conditions of today differ sharply from those prevailing in the past.

In these discussions the narrowing of this question to a consideration of grant of quota to Japan *only* is unfortunate, since to the best of our knowledge there are no groups that wish in this matter to single out Japan for special consideration or to accord to her a privileged position. Those who wish to rectify the unfortunate legislation of 1924 are advocating the extension of quota *not to Japan alone but to all Asiatic countries*, and it is on that basis that I here propose to consider the question.

Now while California and the Pacific Coast in general obviously are more immediately and vitally affected than the country as a whole by any policy directed toward the regulation of Oriental immigration, yet it must be apparent to all that *no policy can be considered from a circumscribed local viewpoint alone.*

The Question to Be Considered

What we wish to determine specifically is *not whether this law was good and advisable* in 1924, but whether looking into the future, the best interests of our country, viewed broadly and not from any insular or partisan standpoint, would be best served by a modification of our immigration law of 1924, the removal of the discriminatory clause, Section 13-c, and the placing of Japan, China, and other Asiatic countries on a quota basis. That, I take it, is the question, and it is to that I shall speak.

Unanimous Agreement on the Necessity for Rigid Restriction

At the outset there is one fundamental point agreed upon by everyone, both those who oppose a modification of the exclusion law of 1924, and those who advocate the granting of quota, to wit: THE NECESSITY FOR A RIGID RESTRICTION OF ORIENTAL IMMIGRATION.

Disagreement Arises Over the Best Method of Achieving Restriction

The disagreement consists in this: whether the present exclusion law of 1924 is the best and most advantageous method of securing this rigid restriction or whether, on the other hand, it would not be much more to our advantage, viewed broadly and giving due consideration to all aspects and weighing all the implications, to accomplish this recognized end of rigid exclusion by means of the extension of quota to Japan, China, and other Asiatic countries. Let us consider:

1. First, what effects the 1924 law produced on conditions within our own country.

2. Second, how the 1924 law affected our international relations.

The Discriminatory Exclusion Clause

Here is the so-called "exclusion clause," Section 13-c, as it was written into the immigration law of 1924 and on May 26th of that year became law:

"No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissable as a non-quota immigrant under the provisions of subdivisions (b), (d), or (e) of section 4, or (2) is the wife, or the unmarried child under 18 years of age, of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3."

This Exclusion Clause Aimed Directly at the Japanese

Now this clause applied in *theory* to all Orientals, but in actual practice it singled out the Japanese for invidious discrimination, because, by the Chinese Exclusion Act of 1882 and the Asiatic Barred Zone provisions of the 1917 law, Chinese, Hindu, and other Asiatics, certain classes excepted, were already debarred. Looked at coldly this was merely a disingenuous way to avoid naming the Japanese specifically. That this clause was aimed directly at the Japanese, however, is made clear in a letter from Secretary of State Hughes to Congressman Albert Johnson, Chairman of the Immigration Committee of the House, dated February 8, 1924, in which he says:

Statement of Secretary of State Hughes

"It would be idle to insist that the provision is not aimed at the Japanese, for the proposed measure continues in force the existing legislation regulating Chinese immigration and the Barred Zone pro-

vision of our immigration laws which prohibit immigration from certain other portions of Asia."

The Gentlemen's Agreement

It will be recalled that prior to 1924 immigration from Japan was controlled and regulated by what is known as the Gentlemen's Agreement, entered into by President Roosevelt and the Japanese Government in 1908, continuing in force until abruptly abrogated by the passage of the United States Immigration Act of 1924.

Certainly no diplomatic understanding between two nations has been the subject of so much discussion, criticism, and misunderstanding as the so-called Gentlemen's Agreement, restricting Japanese emigration to this country.

Discussion of the Gentlemen's Agreement Is Irrelevant

Since no one proposes that there should be a return to the Gentlemen's Agreement, it must be obvious that any discussion of it at this time is *quite irrelevant and beside the point*. It is useless to debate the question as to whether the Gentlemen's Agreement, considered as an instrument for the control of Japanese immigration, met the wishes of this country or not; or whether Japan on her part lived up to the agreement or not. These are academic questions and in no way pertinent to the present discussion. What we do need to consider here are some of the results produced by the passage of the 1924 law on conditions in our own country, California in particular.

Social and Economic Advantages of Japanese Exclusion Doubtful

Now the 1924 law differed primarily from the Gentlemen's Agreement in that it cut off from entrance into our country all relatives of laborers who had previously been admitted under the Gentlemen's Agreement.

So far as California is concerned, many authorities consider it doubtful whether, viewed from the standpoint of economic and social self interest, this stoppage of Japanese was an advantage or not. It is generally admitted that the Japanese who came into the state prior to 1924 proved themselves a hard-working, industrious, frugal, law-abiding, and home-loving people, who had engaged in types of labor which Occidentals either performed in a much less proficient way or avoided altogether. They acquired land, improved the agricultural areas in the state where they settled, and competed successfully

with Occidental farmers and cultivators. Yet these very virtues, which Americans themselves value so highly, constitute for many of our citizens their principal indictment against the Japanese and quite frankly remain even today among the outstanding, though often disguised, arguments for their exclusion.

Mexicans and Filipinos Take the Place of Japanese

One of the direct results produced by the exclusion of the Japanese was this: since 1924 we have had an increasing number of Mexican and Filipino laborers entering the state. These Mexicans and Filipinos are admittedly inferior to the Japanese in all the qualities enumerated and in addition have brought into existence social problems of considerable gravity, problems which were never created by the Japanese.

Is the 1924 Law an Effective Instrument from the Standpoint of the Immigration Officials?

Does the 1924 law as applied to Orientals prove in actual practice a smooth-functioning and effective instrument for the control of Oriental immigration when viewed from the standpoint of the immigration officials who are responsible for its operation and who are consequently in a position to speak authoritatively on the question? It is apparent that it does not. For after six years of trial we have the following statement from former Secretary of Labor Davis in his annual report to Congress for the fiscal year, 1930, in which he says:

Secretary of Labor Davis Recommends Quota System

"It so happens that the quota-limit system, which is now chiefly applied to Europe, would, with possibly some adjustments, afford adequate or, in some instances, even more complete control of Oriental immigration than now exists under the various earlier statutes relating thereto.

"I strongly recommend that Congress consider the feasibility of adjusting the quota system so that it will prove an acceptable substitute for the laws and parts of laws that relate only to Chinese and other Oriental immigration. Officials who have immediate contact with the administration of these laws assure me that *many of them are now of no value,* and *some of them even detrimental from an administrative standpoint.*"

In view of the fact that labor organizations were particularly active in their support of the exclusion clause of the 1924 law, this statement by the then Secretary of Labor, himself a labor man, is highly significant.

What Were the Effects of the Passage of the 1924 Law in the Field of International Relations?

Since, as we have already pointed out, the 1924 law discriminates against Japan in particular, it follows that it is our relations with Japan which have been and are directly affected by this discriminatory act.

International Justice and Fair Play Obligatory

The cornerstone of our policy in the Far East has been the maintenance of the so-called "open door" and since 1905 Japan has on many occasions, through her official spokesmen, not only pledged us her support but has actively cooperated in furthering that policy and in making it effective. Recognizing this attitude on the part of Japan, it seems not only unjust but impolitic as well that we should unnecessarily and gratuitously wound to the quick the justifiable national pride and racial susceptibilities of the very people whose cooperation we not only desire but need.

High United States Officials Protest Against 1924 Law

The 1924 law with its discriminatory clause was adopted in the face of warnings and protests of all our higher officials closest in touch with our foreign relations. It abruptly terminated, without even the usual courtesy of consultation, both the Gentlemen's Agreement entered into by President Roosevelt and the Japanese Government in 1908 and the Uchida memorandum recognized by Congress and attached to the 1911 treaty between our country and Japan.

Protest of Secretary of State Hughes

Secretary of State Hughes expressed his views on the unfortunate character of this discriminatory clause in the same letter to Mr. Albert Johnson from which we have already quoted. He said:

"The practical effect of Section 12-b is to single out Japanese immigrants for exclusion. The Japanese are a sensitive people and unquestionably would regard such a legislative enactment as fixing a stigma upon them. I regret to be compelled to say that I believe such legislative action would largely undo the work of the Washington Conference on Limitation of Armament, which so greatly improved our relations with Japan. . . . It is useless to argue whether or not such a feeling would be justified; it is quite sufficient to say that it exists. It has already been manifested in the discussions in Japan with respect to the pendency of this measure, and no amount of argument can avail to remove it.

"The question is presented whether it is worth while thus to affront a friendly nation with whom we have established most cordial relations and what gain there would be from such action. Permit me to suggest that the legislation would seem to be quite unnecessary even for the purpose for which it is devised . . . and I most strongly urge upon you the advisability, in the interest of our international relations, of eliminating it."

Protest of President Coolidge

When the bill was presented to President Coolidge for his signature, he likewise took occasion to protest in the following words:

". . . We have had for many years an understanding with Japan, by which the Japanese Government has voluntarily undertaken to prevent the emigration of laborers to the United States; and in view of this historic relation and of the feeling which inspired it, it would have been much better in my judgment and more effective in the actual control of immigration, if we had continued in the cooperation which Japan was ready to give and had thus avoided creating any ground for misapprehension by an unnecessary statutory enactment. That course would not have derogated from the authority of the Congress to deal with the question in any exigency requiring its action. There is scarcely any ground for disagreement as to the result we want, but this method of securing it is unnecessary and deplorable at this time. If the exclusion provision stood alone, I should disapprove it without hesitation if sought in this way at this time."

Enlightened U. S. Opinion Almost Unanimously Opposed to 1924 Law

Now at the time the law was passed, opinion in the United States was practically unanimous as to the necessity of restricting Asiatic immigration, but informed and liberal leadership throughout the country attacked in no uncertain terms the ill-advised *method* employed by Congress to accomplish an end which could equally as well have been achieved by other and less offensive means.

The New York *Herald-Tribune* called the action of Congress "an unnecessary affront to Japan." The New York *World* said, "This deliberate sabotage of our delicate international relations had no other purpose than that of cadging for the votes of hot-heads upon the Pacific Coast." The Washington *Post* said, "There was no occasion for the disagreeable happening, no difference in principle requiring it, and no exigency excusing it."

The *Christian Science Monitor* said: "It is certain that the method is highly offensive to a Nation with whom the United States should

take special pains to remain on terms of peace. . . . It was therefore as unwise as it was discourteous for the United States Congress to brand this intelligent and progressive Japanese people with a stigma only applicable to the most uncivilized and barbarous of Asiatic tribes." According to one survey, forty out of forty-four leading newspapers east of Chicago condemned Congress for its offensive and unreasoned solution of this problem.

New York Business and Professional Leaders Protest

In order to make it clear that the statements uttered by the California delegation which appeared before the Senate committee and by Senators and Congressmen in the discussion of this matter did not represent enlightened opinion in our country, a group of New York business and professional men sent a cablegram to the American-Japanese Society in Tokyo "deeply" deploring the unjustifiable things said of Japan during the course of the exclusion debate. The message was signed, among others, by Henry W. Taft, George W. Wickersham, Thomas W. Lamont, Darwin P. Kingsley, and J. B. Millet.

University Presidents Protest

Another cablegram was signed by 30 heads of leading American universities and colleges, regretting "the inconsiderate action of the American Congress, which does not represent the sentiments of the American people toward Japan." The author of the message was Charles W. Eliot, President Emeritus of Harvard, and among those who disapproved the action of Congress were David Starr Jordan, President Emeritus of Stanford University, and W. W. Campbell, President of the University of California.

Authorities on Far East Regret Adoption of Exclusion Clause

Almost all students of the Far Eastern situation and practically all members of the faculties of departments of history and political science in American universities are in agreement that this discriminatory method of dealing with Oriental immigration in the 1924 law was "stupid, ill-advised, and extremely unfortunate."

Extraordinary Growth of U. S. Oriental Trade—The Future

Our industries are producing commodities far in excess of the legitimate demands of our domestic markets. One outlet for this excess has been found in the Orient. In 1913 our entire Asiatic trade was only $125,000,000 while today it is over two billion, an expansion of over 1500 per cent in a little over fifteen years. Millions of our

neighbors across the Pacific, through multiplying contacts with the Western world, are becoming each year in ever-increasing numbers, consumers of Western goods. In the comparatively short space of time since the World War, our trade with China has doubled, and our trade with Japan trebled. California's trade alone with the Orient has increased over 300 per cent.

Need of Markets for California Products

California is an agricultural state and must in the future find adequate markets for California products. With the markets of the world narrowing, at the same time that competition is increasing, it is of the greatest importance that all wise and far-seeing leaders on the Pacific Coast and particularly in California should do all in their power to strengthen a feeling of friendship, confidence, and good will with the countries of the Far East, to the end that in the future the vast potential markets of a stabilized Asia may be developed for California products.

Effect of Exclusion Upon Our Oriental Trade

Now many business men engaged in foreign trade believe that our trade with the Orient, and with Japan in particular, has suffered through the passage of this discriminatory law. While there is considerable evidence to support this view, such contentions are extremely difficult to prove by means of actual figures. However, everyone would admit that good-will is just as important an asset in the affairs of nations as it is in the lives of individuals and that in the conduct of business, all things being equal, price and quality acceptable, business goes to our friends.

Good Will of Prospective Customers Essential

Good will among nations is very largely determined by a nice consideration for just such things as pride, national honor, and the like, and by careful adjustment of our relations with our neighbors in conformity with a spirit of justice and fair play. In the minds of all influential Orientals this wound to their national pride, so needlessly inflicted, still rankles, and there can be no true feeling of friendship, cordiality, and good will established upon a sincere basis until this injustice has been rectified.

Recent Editorial Comments

The following extracts from recent editorials indicate how important this question still is and what a beneficent effect on our international relations a reconsideration of this exclusion act would have:

The New York *Evening Post* has several times editorially referred to the matter, saying on October 6, 1931, that the report of the United States Chamber of Commerce

"is a further mark of the deepening conviction in this country that we should make to Japan what redress we can for our ill-advised action seven years ago.

"The fact that we exclude Japanese immigrants on grounds which tacitly imply American racial superiority seldom intrudes upon the public consciousness. But in Japan it is never forgotten. It is a sore which has continued to rankle ever since the exclusion act was passed. On any occasion bringing American and Japanese together it is almost inevitable that some speaker makes a reference to it which clearly shows how deeply Japanese pride has been wounded by what is judged to be a gratuitous insult.

"There was never any justifiable ground for the exclusion act in view of the ease with which Japanese immigration could be controlled, by application of the quota system, to an annual limit of 185. Today it would find little support even in those sections of the country which forced its passage in 1924. It is high time for repeal."

The following editorial is from the *Christian Science Monitor* of August 4, 1931:

"Progressively, since 1924, when the objectionable Japanese Exclusion Act was adopted, the United States has been rising above the momentary prejudice which permitted that needless affront to a friendly power. . . .

"The wisdom of the Roosevelt Administration's negotiation of that agreement *(i.e. of 1907)* under which Japan undertook to control the migration of her laborers bears but little upon the present situation. The *manner* of its termination seven years ago was unnecessarily harsh. It was out of consonance with American cooperation in Japan's economic and industrial development. The desired end—demagogically flaunted as the preservation of the integrity of American labor standards—*would have been as ably served by a quota restriction as by direct exclusion.*

"This still holds true. Extension of the quota system to the Orient would permit entry of about 180 Japanese and 100 Chinese annually. These would almost entirely be restricted to ministers, professional men, students and similar persons who are admitted even under the present restriction. Opponents to the extension of the quota declare that it would open a wide door to Oriental immigration. But in fact there would virtually be no change in the actual situation save in some minor divisions of the Pacific countries.

"But the change in the relationship between the United States and Japan would be of vast importance. The effect upon the economic relationship is, indeed, one of the factors back of Pacific Coast advocacy of the quota system. But even such gains are secondary to the lasting values of improved international relations. It may be, as one Japanese statesman suggested, that this is entirely a matter of sentiment. But it follows, as he declared, that such *sentiment* is *'one of the great forces in the world with which statesmen must reckon.'* " (Quoted in Taft: "Japan and America." Italics ours.)

What Would Be the Results If the 1924 Law Were Modified and Japan, China, and Other Asiatic Countries Were Placed on a Quota Basis?

"A simple way legislatively to apply the quota system to Japan, China, and other Far Eastern countries is to repeal this so-called 'exclusion' clause, Section 13-c 1914 Act, and to make certain supplementary changes.

"The results of such action would be:

(1) Japan would have a quota of approximately 185, on the same basis as European countries, available for persons of the white and the Japanese races born in Japan;

(2) China would have a quota of about 105, but owing to the Chinese Exclusion Act of 1882, the quota would be open only to those Chinese who are eligible for admission under the Exclusion Act and Treaty, *which would exclude laborers;*

(3) Minimum quotas of 100 each would be given to India, Afghanistan, Bhutan, Nepal, Siam, Arabian Peninsula, Hejaz, New Guinea, (Australian mandated territory only), and Muscat (Oman), but because these countries are wholly, or in part, within the Asiatic Barred Zone, the quotas would be *open only to white persons born in such areas and to professional and business people* of the indigenous races (the classes excepted under the 1917 law);

(4) The Dutch East Indies—Java, Borneo, Sumatra, and Dutch New Guinea—would not have individual quotas, but would share in The Netherlands quota, but because these islands are in the barred zone, visas could be obtained in the islands *only by white persons born there or professional and business people* of indigenous races.

Continued Exclusion of Laborers Assured Under Quota

"The continued exclusion of laborers from Japan as well as the other countries would be assured since it is a practical procedure, through administrative regulation, for our consuls to refuse to issue visas to such applicants on the ground that they are 'liable to become a public charge'."

How the Quota Was Determined at First

The act of 1924 provided for the determination of the annual quota of any country in the following way:

"Section 11-a. The annual quota of any nationality shall be 2 per centum of the number of foreign-born individuals of such nationality

resident in continental United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100."

This method of computing the quota was intended by Congress at the time to be merely temporary, as is made clear in the following paragraph. On this basis it was estimated that 2,000 Chinese per annum could have been admitted. Quota for China would have been 2,000 but the Exclusion Act in operation would have admitted only certain classes excepted by the Exclusion Act.

This temporary method of estimating the quota of any nationality was continued until July 1, 1929, when the method now in operation was adopted in pursuance of the intent of Congress as expressed in Section 11-b of the present bill. The President's Proclamation announcing the date upon which the new quota law would become operative reads as follows:

Present Method of Determining the Quota

"Whereas it is provided in the act of Congress approved May 26, 1924, entitled 'An Act to limit the immigration of aliens into the United States, and for other purposes,' as amended by the joint resolution of March 4, 1927, entitled 'Joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended,' and the joint resolution of March 31, 1928, entitled 'Joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended,' that—

" 'The annual quota of any nationality for the fiscal year beginning July 1, 1929, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100.' Section 11-b."

If Japan, China, and Other Asiatic Countries Were Placed Under the Operation of This Law, What Would Be the Result?

Quota Immigrants from the Orient

At present China, Japan, and countries in the Asiatic barred zone are each assigned a minimum "quota" of 100 per annum. But these "quotas" are *open only to persons of the white race* and cannot be used by members of the yellow and brown races who are not eligible to citizenship.

If Japan and China were given quotas on the same basis as other countries (national origins basis), the number of quota immigrants admissable would be negligible, approximately 185 for Japan and 105 for China per year. These estimates were issued by those in charge of computing quotas under the 1924 law and are consequently of the highest authenticity and are not disputed even by those opposed to granting of quota. It should be noted that these quotas would be open to nationals of these countries who are of the white as well as of the yellow and brown races. The present annual demand on the minimum "quota" now allotted to China made by persons of the white race born in China and who are eligible to American citizenship, is several times as great as the quota of 100, and the annual demand upon the minimum quota allotted natives of Japan who are eligible to American citizenship takes up about one-fourth of the quota each year. Hence *a portion of the quotas* of 105 and 185 from China and Japan, respectively, *would be filled by persons of the white race born in these countries.*

Each of the other independent countries affected, nine in all, would be allotted minimum quotas of 100. It is deemed likely that preference quota *relatives of American citizens and of lawfully resident aliens would use the bulk of the quotas for these countries,* so there would probably be little new immigration under the strict administrative measures now enforced by our consuls.

Non-Quota Immigrants From the Orient

Examination of the possibility of any considerable number of non-quota immigrants from Japan, China, and other Far Eastern countries entering the United States reveals no cause for apprehension.

Under Section 4 of the 1924 law, non-quota immigrants—of interest in this connection—are defined to be: (a) the wives and minor unmarried children of United States citizens; (d) ministers, professors and their wives and minor unmarried children; (e) bona fide students. The law now admits as non-quota immigrants the latter two classes (ministers, professors, students). Hence the only *additional* class which could enter as non-quota immigrants from Oriental countries would be the alien wives of United States citizens. Even with reference to this group of alien wives, one exception has already been made in a law approved June 13, 1930, which specifically admits alien Chinese wives of American citizens whose marriage occurred prior to May 26, 1924. (Just why this law was limited to alien Chinese wives is not known, as there appears no good reason why it should not apply to all alien Oriental wives of American citizens.)

Judging from the total number of American citizens of Japanese and Chinese extraction now in this country, the entire number of alien wives of these citizens who might seek admission as non-quota immigrants would not be very large. In 1906 through 1924 the Immigration Bureau had available figures on the number of alien Chinese wives of United States citizens admitted during each fiscal year. The statistics showed an average of 150 Chinese wives of American citizens admitted annually during the 19-year period. No figures are available on the number of alien Japanese wives of American citizens admitted. However, statistics of the Immigration Bureau show that during the six-year period, 1925 to 1930, inclusive, there were admitted as "immigrant aliens" an annual average of 151 married Chinese women and an annual average of 145 married Japanese women. During the fiscal year ended June 30, 1931, a total of only 113 petitions for the admission of alien Chinese wives of American citizens were filed with the Visa office of the State Department under the new law approved June 13, 1930.

Number of Japanese and Chinese Now in the United States

According to a recent announcement of the Census Bureau the number of Japanese, Chinese, and Hindus (alien and native-born) in Continental United States in 1920 and 1930 were as follows:

	1920	1930	GAIN IN 10 YEARS
Japanese	111,010	138,834	27,824
Chinese	61,639	74,954	13,315
Hindus	2,507	3,130	623

In this connection the following statistics of the United States census of 1920 and 1930 covering aliens in the state of California may be of interest:

1920:	
Total population of California	3,426,861
Chinese in California	28,812
Japanese in California	71,952
Foreign born Whites in California	681,662
Foreign born Whites with first papers	47,335
Foreign born Whites unnaturalized	284,389
Naturalized foreign born Whites	303,145
1930:	
Total population of California	5,677,251
Chinese in California	37,361
Japanese in California	97,456
Foreign born Whites in California	810,034
Foreign born Whites with first papers	82,240
Foreign born Whites unnaturalized	256,047
Naturalized foreign born Whites	436,658

The Census Bureau has not yet announced the number of American citizens who are included in the total Japanese and Chinese populations in this country in 1930. In the 1920 census there were listed 30,244 Japanese and 20,366 Chinese who were American citizens. Of these, 15,893 Japanese and 14,660 Chinese were males.

The total population of California in the ten years 1920-1930 grew by 65.7 per cent, so that the actual proportion of the Japanese and Chinese in the population is less than it was in 1920. Indeed, the proportion of Chinese in California is less than one half of what it was in 1910—0.7 per cent as against 1.5 per cent—while the proportion of Japanese, after a considerable rise in 1920, has again dropped to the 1910 level, namely, 1.7 per cent.

There is reason to believe that this new distribution of Chinese and Japanese residents corresponds to an increase in urban pursuits. Though the figures are not available for these two national groups, this fact is made likely by a 78.4 per cent increase of the total urban population of California, as against a rural increase of only 38.5 per cent. This urbanization is even more strikingly indicated by an 88.3 per cent increase of population in California cities of 100,000 or more.

Figures of the Immigration Bureau on arrivals and departures of Japanese and Chinese of all classes (immigrant and non-immigrant) during the ten-year period 1920 to 1930 inclusive, show that 19,876 more Japanese and 5,798 more Chinese departed from than arrived in the United States. The gain in population of these nationals in the United States in the ten-year period, 1920-1930, shown by the census returns, is ascribed to increase in births over deaths, surreptitious entries, and more complete and efficient enumeration in the 1930 census, since the recorded migration movement shows a loss in numbers here.

Immigration From Territory of Hawaii Controlled

Placing the Far Eastern countries under quotas would not in any way make it easier for Japanese and Chinese to enter continental United States from the Territory of Hawaii, nor from our insular possessions. This question must not be confused with any questions concerning immigration from the Philippine Islands or Oriental immigration from the Territory of Hawaii to the mainland. These are quite separate and distinct considerations. Admissions of nationals of other countries to the mainland from the Territory of Hawaii and our insular possessions already are strictly controlled under existing laws and treaties. Granting of quotas to the Far Eastern countries would in no way affect these admissions.

Volume and Character of Our Immigration Safeguarded

As has been previously pointed out, under the quota law the United States now has numerical restriction of immigration—we have definitely abandoned our "open door" immigration policy. The granting of quota is in no sense a letting down of the bars, and the character of the proposed immigration is carefully safeguarded through the supervision exercised by our consuls in the countries of origin. In addition our immigration laws adequately safeguard the character of immigrants who can be admitted, assuring that only acceptable persons will be allowed to enter from any country. In placing Japan and the other Far Eastern countries under quotas on the same basis as European nations, the United States will not be opening its doors or letting down the bars for the influx of large numbers of Oriental immigrants. The numbers that would be admitted from each country, and from all the countries combined, under quotas is negligible.

Many Officials Maintain Quota Would Admit Fewer Orientals Than Present Law

In the judgment of many officials connected with the administration of immigration laws the quota system affords a better control of Oriental immigration than exists under the laws now in operation. Some officials believe that removal of the discriminatory provisions and the placing of these countries under quotas possibly would result in a smaller number of Orientals actually entering the country, rather than increasing the admissions. It is believed such action would result in more thorough cooperation by the governments of the Far Eastern countries to prevent fraudulent and surreptitious entries, and to insure the acceptable character of immigrants to whom passports to America would be issued.

U. S. Policy Is Drastically to Reduce Immigration From All Sources

In passing, we should note that the policy of the United States government is drastically to reduce immigration from all countries. A resolution recently introduced into the House of Representatives by the Immigration Committee calls for a reduction of 90% in all European quotas. If this were adopted it would reduce all Asiatic quotas to a bare minimum.

Negligible Number of Orientals Admitted Under Quota

In any consideration of this question of the extension of quota to Asiatic countries, it is of prime importance that the numbers involved

should be thoroughly comprehended. When that is done, it will be seen that the numbers which would enter if quota were adopted are altogether negligible. This fact must be continuously stressed since those who are uninformed in the matter are under the impression that the granting of quota means letting down the bars and opening the doors to a great influx of cheap Oriental labor. Nothing could be farther from the truth.

Principal Arguments Advanced Against the Extension of the Quota System to Japan, China, and Other Asiatic Nations

The brief of Mr. V. S. McClatchy in the matter of an IMMIGRATION QUOTA FOR JAPAN, December, 1931, may be taken as the ablest and most serious presentation of the arguments against the granting of quota to Japan in particular and to China and other Asiatic countries in general. Mr. McClatchy has gone into the question with thoroughness and has given time and thought to the presentation of his brief. Speaking generally, those who oppose the granting of quota reiterate the arguments put forward by Mr. McClatchy. Obviously there is no disposition on the part of anyone to question their good faith or their sincerity.

Throughout Mr. McClatchy's brief one is constantly forced to the conviction that Mr. McClatchy assumes that any action of Congress once taken is no longer subject to reconsideration and revision. This is so heavily stressed that we finally reach the conclusion that Mr. McClatchy himself believes that any attempt to reopen the question or to review the action of Congress in the light of altered conditions stamps those who do so as unpatriotic and unamerican "hyphenates." (Sec. 27.) Yet we all know that as a matter of historic fact, Congress has throughout its history attempted to adapt its legislation to fit specific conditions as they exist in a living present and has not hesitated to modify existing law when it failed to conform to such a policy.

When this brief is analyzed, Mr. McClatchy's principal arguments for the maintenance of the present discriminatory and offensive law are found contained in sections 2 and 3, though like a litany they are reiterated throughout the brief. Let us consider these.

> "2. Such grant of quota would repeal subdivision (c) of Sec. 13 of the immigration act of 1924, *excluding* as permanent settlers all *aliens ineligible to American citizenship*— the only logical, non-discriminatory barrier we have against the possibility of a *future invasion of unassimilable Asiatics*." (Italics ours.)

Reasoning From Apprehension

This statement in Section 2 is a typical example of reasoning from apprehension. Such phrases as "future invasion of unassimilable Asiatics" are highly significant, revealing clearly an emotional bias based upon an unexpressed fear. Now the response to such a statement as that is that we can meet that "invasion" if and when it actually appears. Certainly even the most timid would hardly contend that the yearly entry of 185 Japanese and 105 Chinese nationals eligible under the present quota law would in any sense constitute an "invasion."

Mr. McClatchy admits in one paragraph that if quota were granted, the numbers entering would be negligible, and in the next paragraph insists that the granting of quota would open the doors to an "invasion" of our country by Asiatics. The inconsistency involved here must be apparent to all.

Question of Assimilability Is Irrelevant

Mr. McClatchy and all those who agree with him have made a chimera of this question of assimilability. Mr. McClatchy admits that *culturally* the Japanese and Chinese are assimilable, but maintains that biologically the Oriental is unassimilable and that consequently he must be rigidly excluded. As a matter of fact, it has no real bearing on the question under consideration, for this reason: if we admit that the the Chinese and Japanese are both culturally and biologically UNASSIMILABLE, this question could have no importance unless the *numbers* of such unassimilable aliens were so great as to constitute a menace to the Occidental society into which they were to be introduced. By the United States Census of 1930 we have in California 37,361 Chinese and 97,456 Japanese, giving a total of 134,817 Orientals. The total population of the state of California is 5,677,251, which means that the Orientals in the state constitute approximately only 2.37% of the total population, and this discrepancy is increasing each year.

Looked at dispassionately and without bias, it is impossible to see how the addition of 185 Japanese and 105 Chinese per annum to this present population could make any material difference in our Oriental problem, assuming that we have one.

The 1924 Law Illogical and Discriminatory

That the immigration act of 1924 is "logical," even its best friends have never dared to claim for it. That it is non-discriminatory is contradicted by its very terms stated in cold blunt language. It must be remembered that exclusion on the basis of ineligibility to citizenship

does not exclude all members of a given race, nor is the selection based on grounds logical or easily determinable. The Constitution provides that all persons born in the United States and "subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside." Ineligibility to citizenship means ineligibility to naturalization. Several thousand Oriental children born each year in the United States are by the Constitution citizens of the United States, though unassimilable in Mr. McClatchy's sense of the term.

> "3. In considering the advisability of *abandoning the basic principle of excluding ineligibles*, we will be aided by a knowledge of the exclusion measure itself, of the conditions which necessitated it, of the intent of Congress in passing it, and of the forces which favored and opposed it, respectively." (McClatchy brief. Italics ours.)

Here we have what Mr. McClatchy and those in agreement with him hold to be their strongest argument, namely that granting of quota to Japan, China, and other Asiatic countries would be "abandoning the basic principle of excluding ineligibles."

Again let us emphasize this point: naturalization policy and immigration policy are two separate and distinct considerations and an alteration in our policy in regard to one does not necessarily affect our policy in regard to the other. In discussing this question, Henry W. Taft in his recent book, "Japan and America," says:

"In all the years in which hordes of immigrants from Southern Europe, the Near East and even the Far East, were coming to this country, citizenship and immigration were not regarded as having any relation to each other; and in 1921 the Senate by its vote on the amendment proposed by Senator Phelan and objected to by Senator Colt, in effect held that a naturalization amendment was not germane to an immigration bill. The idea of making personal and property rights of aliens depend on eligibility to citizenship, as a means of making their stay in this country less profitable or otherwise desirable, originated in the anti-Japanese legislation in California and perhaps in other Pacific Coast states. It was not the normal or historical method of regulating immigration and it was merely a case of special legislation, not based on logical reasons."

Admitting that the numbers of Orientals to be allowed to enter this country under the quota are unimportant, even negligible, Mr. McClatchy falls back upon the contention that the grant of quota would mean "abandoning the basic principle of excluding ineligibles." Now I cannot understand what is meant by "basic principle" unless we take it to mean something which is axiomatic, fundamental, inalterable, and above all self-evident to the average rational mind. If any such

basic principles exist, they are by common consent placed in a peculiarly unique and sacrosanct position. Such, for example, as the principle that the same individual cannot at one and the same time be his own defendant and his judge. No one but Mr. McClatchy and his followers has ever contended that this was in any true sense a "basic principle" and it is highly improbable that any disinterested legal mind would ever for a moment consider it as such. Let us examine it for a moment.

Mr. McClatchy's statement assumes that what has once been accepted as a so-called "basic principle" can only with the greatest danger of grave consequences be abandoned. Now so far as human society and government are concerned, it is extremely difficult, if not impossible, to conceive of any "basic principle" which has remained "basic" and in Mr. McClatchy's sense inalterable. Every society has always considered the rules which governed the relations of members within that group and its relations with other groups as "basic principles." Yet even a glance at the past will convince us that what any given society was wont to call "basic principles" were after all nothing more than WORKING HYPOTHESES or, better, POLICIES, subject to change when altered conditions made such change advisable. Had that not been so, there could have been no progress either in law or government.

Now within the memory of many of us it was generally accepted as a basic principle that women could not vote, and in the course of human history, man has at different times justified such abominations as cannibalism, human sacrifice, polygamy, witch-hunting, and the tortures of the inquisition on the grounds that these practices were founded upon "basic principles." What happened then? Contemporary thought moved forward, necessitating a modification of the older "basic principles," or rather, the old working hypotheses, to meet the new situation. Thus we have progressed toward liberation and enlightenment. Even our republic, which Mr. McClatchy feels is now endangered by the admission of a few ineligibles, was set up in defiance of what was held by all monarchists to be a "basic principle" of the first rank.

There is no principle involved. This is merely a question of policy, and no amount of reiteration of the words, "basic principle," can make it appear otherwise.

Moreover, it must be remembered that as ineligibility to citizenship is a legal concept rather than a physical or social condition, this basis for exclusion is subject to sudden and frequent changes depending upon court interpretations. For instance, each of the three large Oriental groups now excluded on the principle of ineligibility to citizen-

ship was at some time or other *in the past granted citizenship*. Prior to the Act of 1882 Chinese were permitted to become naturalized citizens. The ineligibility to citizenship of foreign-born Japanese was not finally decided till November 13, 1922 and of East Indians until a year later.

This statement, that "basic principle" would be abandoned by the extension of quota to Asiatic countries, is a mere gratuitous assumption, which we are asked to accept as axiomatic. But the moment we pause to examine this statement, we see at once that there is no principle involved and that there is certainly nothing in the least basic about it. If this were a basic principle, it would certainly mean that no Asiatic under any conditions could ever achieve United States citizenship. Race *per se*, however, is not a disability, since all children of Asiatics born in this country are automatically United States citizens. It is therefore apparent that the accident of race is not a barrier to the achievement of citizenship.

Summary

A review of the history of the question under consideration brings out the following salient points which I wish to recall here:

1. All legislation having for its purpose the regulation of Asiatic immigration, was from the beginning designed primarily to restrict and finally to stop completely the immigration into our country of Asiatic LABOR. This is apparent from the fact that certain classes of immigrants from all the countries of Asia have throughout our dealing with this question been excepted.

2. Prior to 1924 immigration from Japan was controlled and regulated by the Gentlemen's Agreement.

3. The conditions of the Gentlemen's Agreement were carried out by the Japanese government in good faith, and no accusations of bad faith on her part have ever been authoritatively substantiated.

4. While Japan faithfully fulfilled her obligations under the Gentlemen's Agreement, the results obtained were not satisfactory to the citizens of California and more rigid restriction than that afforded by the Gentlemen's Agreement became imperative.

5. In 1924 Congress had before it the following alternatives to choose from:

a. Tightening the Gentlemen's Agreement,
b. A new treaty or agreement,

c. Application of the quota system,
d. Discriminatory exclusion.

Any one of the four COULD have accomplished the same end of more rigid restriction. Any one of the first three would have been satisfactory to Japan.

6. Under pressure from California and partially as a result of the animosity aroused in Congress through the willful distortion of an innocent phrase "grave consequences" in the Hanihara letter to Secretary of State Hughes and the reversal of feeling caused by this, Congress adopted the last of these, namely: discriminatory exclusion.

7. By this act we abruptly and hastily abrogated the Gentlemen's Agreement and the memorandum attached to the 1911 treaty which Congress had ratified.

8. This was a discourteous, unsportsmanlike, and unjust act, offensive alike to Japanese and to all rational-minded leaders in the United States, including the Secretary of State and the President.

9. If this unfortunate discriminatory clause were removed and Japan, China, and other Asiatic countries placed upon a quota basis, the numbers admitted, approximately 185 Japanese and 105 Chinese, would be negligible, and the objective of rigid restriction accomplished in an equitable manner.

Conclusion

And now, in closing, let me impress upon you that we must exercise the greatest care not to be led astray by the discussion of purely irrelevant aspects of this history. We must keep in mind that we are dealing with the present and not with the past; that we face a new set of conditions, demanding from us a new approach, above all, a new attitude of both mind and spirit. This whole discussion will, I am certain, in the end narrow itself down to a consideration of what each one of us individually believes to be right feeling and right conduct.

I believe that when we fall back upon such statements as "the abandonment of a basic principle," "ineligibility to citizenship," "unassimilability," and the like, we are disingenuously—perhaps unconsciously—attempting to rationalize, to justify, an act which was at the time hasty, unconsidered, discourteous, and unjustified. Had any one of us been the witness of similar inconsiderate treatment perpetrated by one individual professing to be a friend upon another whose friendship he had acknowledged, we would have condemned it without reservation in the severest terms.

Nor can anyone justify this procedure on the ground of patriotism. Around the term "patriotism" unfortunately many false ideas have collected. And surely in this case we can make no appeal to patriotism, if patriotism be conceived in any true sense. No one today can subscribe to the old slogan, "My country, right or wrong!" Patriotism, if it is to mean anything, must manifest itself in an ardent desire to see one's country act with justice and with high integrity toward all. And the patriotic citizen is he who is ready to exert every effort to assist her in so doing.

Now the part of a gentleman the world over is instinctively to desire to correct an error, to rectify a hasty judgment, to make amends for an act of discourtesy. This is the universally accepted code of sportsmanship. This the opponents of quota choose to call "timidity." They prognosticate the future and speak cryptically of an "opening wedge" created through the extension of quota, hinting darkly of menacing demands on the part of Japan and other Asiatic countries; demands which we will be unprepared to meet and unable to refuse. That the United States, the most powerful country in the world today, cannot meet in the proper manner and in a spirit of approved courtesy any such future demands, is, I maintain, an assumption beneath the dignity of any citizen of a great nation with a record such as ours.

We cannot live in a vacuum as a nation any more than we can as individuals. Inter-relationships with our fellow nations are inescapable.

It is both foolish and naïve to say that it was our privilege to enact this law, irrespective of Japanese feelings in the matter. After all, a nation is no more than an aggregate of human beings, and in dealing with another nation we are dealing with but another aggregate of human beings sharing with us analogous feelings of justice, pride, honor, and the like. Are not, then, the simpler and broader procedures implicit in human relationships equally applicable in the dealings of nations one with another? We had entered into friendly agreements with our neighbor Japan in the past. We had been a party to mutual commitments undertaken in a spirit of friendship. To disregard that friendship which we had encouraged was an irresponsible and unjust act. Suddenly to cast aside as irrelevant the confidence and trust which we had inspired and which our friend had reposed in us can never be justified in terms of human relationships, and if all that we hold to be the finer human impulses are not to receive an even higher expression in the conduct of relations between sovereign states than they receive

between individuals, then my understanding of what constitutes ethical procedure in international relationships is sadly in error.

This approach to our problems in the Pacific, this spirit of friendship, justice, and fair play which should animate all our relations with the Orient, might be summarized as *The Square Deal in the Pacific.* This was an attitude the importance of which in our Pacific relations was fully appreciated by President Roosevelt, one of the most internationally-minded men we have ever had in the presidency, and was forcefully expressed by him in the following words:

"Our Nation fronts on the Pacific just as it does on the Atlantic. We hope to play a constantly growing part in the great ocean trade of the Orient. We wish, as we should wish, for a greater commercial development in our dealings with Asia; and it is out of the question that we should permanently have such development, unless we freely and gladly give to other nations, the same measure of justice and good treatment which we expect to receive in return.

"I ask fair treatment of the Japanese, as I would ask fair treatment for Germans, Englishmen, Frenchmen, Russians, or Italians. I ask it as due to humanity and civilization. I ask it as due to ourselves, because we must act uprightly towards all men."

REFERENCES

Japan and America, by Henry W. Taft. Macmillan, New York, 1932.

Oriental Exclusion, by R. D. McKenzie, University of Washington. Published by University of Chicago Press, 1928.

World Peace Foundation Pamphlets, Volume VII, 1924: *Japanese Immigration,* by Raymond Leslie Buell, Harvard University. (Nos. 5-6.)

Immigration Laws and Rules of January 1, 1930. Department of Labor. Government Printing Office, 1929.

Annual Reports of the Commissioner General of Immigration to the Secretary of Labor. Government Printing Office.

Compliments of

The California Council on Oriental Relations

●

Bakersfield . . . . . Hugh S. Jewett
Berkeley . . . . . Robert G. Sproul
Corning . . . . . Warren N. Woodson
Fresno . . . . . S. Parker Frisselle
Lincoln . . . . . Major M. J. Dillman
Los Angeles . . . . . Harry Chandler
Los Angeles . . . . . Clinton E. Miller
Los Angeles . . . . . R. B. von KleinSmid
Marysville . . . . . Halsey H. Dunning
Mills College . . . . . Aurelia H. Reinhardt
Monterey . . . . . Allen Griffin
Moraga . . . . . Brother Z. Leo
Oakland . . . . . Rabbi Rudolph I. Coffee
Orange . . . . . Justus F. Craemer
Palo Alto . . . . . Almon E. Roth
Pomona . . . . . Allen P. Nichols
Redding . . . . . Dudley V. Saeltzer
Riverside . . . . . Frank A. Miller
Sacramento . . . . . Fred W. Kiesel
San Diego . . . . . Frank J. Belcher
San Diego . . . . . George W. Marston
San Francisco . . . . . Frederick J. Koster
San Francisco . . . . . Wallace M. Alexander
San Jose . . . . . Edward N. Richmond
Santa Paula . . . . . C. C. Teague
Santa Rosa . . . . . Ernest L. Finley
Vina . . . . . Colonel Fred T. Robson
Visalia . . . . . James M. Burke
Watsonville . . . . . Robert H. Hudson
Whittier . . . . . R. B. Kennedy

●

Samuel J. Hume, *Executive Secretary*
2900 Buena Vista Way
Berkeley, California

"The old struggle was a struggle for mastery of one over the other. The alternative is a partnership the success of which demands free admission by each of the other's rights to equality; the patient consideration of what each regards as detestable and inadmissible views; the surrender of ground which each feels he has the power to hold."

—*Norman Angell.*